

ACADEMIC SENATE MINUTES
Wednesday, November 10, 2004
(Approved)

Volume XXXVI, No. 5

Call to Order

Chairperson Crothers called the meeting to order at 7:00 p.m.

Roll Call

Senator Crothers called the roll and declared a quorum.

Approval of Minutes of October 27, 2004

Motion XXXVI-23: By Senator Burk, seconded by Senator Blair, to approve the Academic Senate Minutes of October 27, 2004. The minutes were unanimously approved.

Chairperson's Remarks

Senator Crothers: Congratulated the students for their organization of the voter registration opportunities and for their participation in the actual presidential election. WJBC is requesting an individual from ISU to present brief bi-monthly radio commentaries; Senator Kim Pereira formerly made these presentations. The annual Veterans Day celebration will be held tomorrow; Senator Crothers reported that several of the ISU students who have returned from Kuwait will attend.

Student Government Association President's Remarks

Senator Rinker: Well over 500 students registered through SGA and SGA was very happy with the overwhelming election-day turnout. SGA's new list serve is now completely functional. Both on-campus and off-campus students should have already been receiving a weekly e-mail from their respective Senate representatives. Near the end of last semester, SGA passed an amendment to its bylaws so that it now represents every student at ISU, as opposed to just representing the registered student organizations. Hopefully, next Wednesday, SGA will fill three to four of the remaining Senate student vacancies. Those students will begin attending Senate meetings on December 8, 2004.

Administrators' Remarks:

President Bowman: Absent

Provost John Presley: The demand for seats in the freshman class continues to be very strong. We are pleased about that and are also pleased that the number of applications received from minority students and the number of those students admitted continues to trend very highly upward. Also, to follow up on the question asked about the presentation regarding faculty distribution, there is a graph in the new *Fact Book* that illustrates retention of newly hired assistant professors. I would also like to correct a number that I gave you last time about students who had been involuntarily called up to the military. I stated that we had 55 students; I was incorrect. At this time, that number is actually 121 and that number only includes those students who had to withdraw officially. We have formed a joint group from the Academic Affairs and Student Affairs divisions to ease those students' reentry into the University.

I have agreed with the recommendation from the Adult Learner Services Task Force, which was to assign an individual to the issue of providing services for the nontraditional student. We have not yet identified that

person, but the individual most likely will be from the Registrar's Office or the University College.

Vice President of Student Affairs Helen Mamarchev: In addition to acknowledging the huge voter turnout that we had here on campus, I would also like to offer special thanks to the student groups and to Milner Library that helped get a lot of people registered. That was very commendable; thank you all very much. I also want to thank our student senators for their ongoing participation in our student fee review process that is underway. This is the time of year during which our Student Counseling Services is very busy. We actually have a wait list, but we still have the ability to respond to emergency situations.

Vice President of Finance and Planning Stephen Bragg: Yesterday, I had the pleasure of joining many of you for lunch and a photo opportunity. This was an opportunity to celebrate and say thank you to the many faculty, staff and students who have participated in the Family Campaign part of our Comprehensive Campaign. It is one of the things that consultants advise us on when setting up such campaigns and that various agencies want to know about when they are looking for opportunities to make donations. Over 1,000 faculty, staff and students participated in this campaign. This is a high percentage of participation and we thank you very much.

The General Assembly previously delayed consideration of any capital items. We have not yet seen any specific attention to higher education capital requests during this Veto Session; however, this session has just begun. They have discussed the probability of floating more bonds for construction projects that they have already approved.

Committee Reports

Academic Affairs Committee:

Senator Reid: The committee continued its consideration of the Distance Education Report.

Administrative Affairs and Budget Committee: No report.

Faculty Affairs Committee

Senator Adams: The committee will soon bring forth recommendations for the ombudsman position, as well as several other information items, for the Senate's consideration. The committee also discussed faculty recruitment and retention issues.

Planning and Finance Committee

Senator Plantholt: Planning and Finance will invite the vice presidents of the four units to meet with the committee so that we may get more information on the budgeting processes. Tonight, we met with Senator Bragg who gave us background information to prepare for those meetings.

Rules Committee

Senator Hammel: The committee discussed the recommendations for revision of the University Library Policy. We also discussed gathering information for the potential revision of the Faculty Code of Ethics.

Information Items:

11.02.04.01 Administrator Selection (Search Committee) Policy (Administrative Affairs Committee)

Senator Brockschmidt: The Administrative Affairs Committee considered the recommendations made by the Senate on March 24, 2004 to the Administrator Selection Policy. The Administrative Affairs Committee has made the following changes. There are a number of references to the "Academic Senate" elections of

faculty committee representatives. Those references have been changed to the “Faculty Caucus”. The committee revised references to the Panel of Ten that were not clear in many areas of the policy.

There were problems with semantics within the policy and, in those areas, the policy was revised for clarification. On page 10, 3D, we crossed out the “Provost” in the second to last sentence and replaced it with the “Assistant Vice President for Human Resources”, which was a recommendation the Senate made to the committee in Spring 2004. On page 12, E, the last sentence before section 5, reads, “In making its recommendation to the Provost, the committee shall communicate fully to him/her the reactions of the interviewers to each of the candidates that it recommends.” We deleted “the interviewers to” and replaced it with “these people regarding”. We felt that “interviewers” wasn’t clear. On page 13, section 5, the sentence reads that search committees must have representation from all constituents...” We deleted “must” and replaced it with “should whenever possible” The search committee positions sometimes cannot represent all constituents and the committee is left with vacancies or a delay in its formation.

Section H on page 16 reads, “When necessary, the President shall name a temporary appointment to fill a vacancy. Before acting, the President shall consult with the Provost and members of the search committee.” We revised the second sentence to read, “Before acting, the President shall receive recommendations from the Provost after the Provost has consulted with the members of the appropriate college council.” We felt that this clarification was needed. The Administrative Affairs Committee also revised a sentence in Section 4A, page 16, that reads, “The committee shall ordinarily recommend to the appropriate Administrative Officer (e.g., Dean of College, Provost, or President) at least three candidates for the position, including at least one who does not presently serve on the University faculty.” The committee revised that sentence to read, “The committee shall ordinarily recommend to the appropriate administrator (e.g., Dean, Provost or President) at least three candidates for the position.” The most significant change to the policy was the addition of guidelines for internal searches, which are on pages 17 and 18. These guidelines were added to place national and internal searches on the same level.

Senator Crothers: On page 8 of the policy, you have “G” followed by “A”.

Senator Brockschmidt: We will correct that

Senator Reid: On page 11, 3I, it seems that the change you have made is not one of semantics, but one that is substantive. You deleted the first part of the sentence, which reads, “These members shall be faculty who do not currently hold administrative appointments...” The sentence, in its entirety, now reads, “The majority of the faculty on the committee shall be within the college for which a Dean is being chosen.” This allows for the possibility that all of the members of that search committee are administrators, which was previously rejected by the Senate. Why have you eliminated an attempted protection against the possibility that there would not be representation of non-administrative faculty?

Senator Crothers: The Provost has the authority to appoint a faculty member. The sentence to which you refer involves specifically only the two faculty representatives that the Provost might appoint; it is not a restriction on the broader elected faculty.

Senator Brockschmidt: Throughout the policy, we tried to ensure that no constituency would be losing or gaining a significant amount of influence.

Senator Reid: This is a possible loss. Before, it said that it had to be a non-administrative faculty. Now the Provost can appoint administrative faculty.

Senator Brockschmidt: We took great care that no one gained any significant advantage.

Senator Hampton: These are our responses to the recommendations made by the Senate last year. One of the questions that arose was that perhaps in the choice of a dean, there should be an administrator involved in the search process. This enables the Provost to add up to two members who might represent administration, being that those are the people who best know the overall view of the unit under consideration.

Senator Tolchin: One thing that was brought to our attention last year on Student Government was that while there are specific notations in our bylaws as to how to make appointments to internal and external committees, there is nothing in them about making appointments to search committees. So it would be my suggestion that we would include language within this document that the student members shall be appointed by the Student Body President under the advice and consent of the SGA Assembly. Also, would the Dean of Students fall under college deans or internal searches?

Senator Crothers: It is my opinion that if you are searching for a Dean of Students internally, that would likely be covered by an internal search. The only area that these rules apply to within the area of Student Affairs is a search for the Vice President for Student Affairs. Other than that, we do not have direct oversight on that division's hiring practices.

Senator Deutsch: Can you restate the policy changes on pages 16?

Senator Brockschmidt: On page 16, section H, the language before indicated that before acting, the President shall consult with the Provost and members of the search and screening committee. We changed it so that it now reads that before acting, the President shall receive recommendations from the Provost after the Provost has consulted with the members of the appropriate college council. Also, on page 16, 4A, in the second to last sentence, we deleted "including at least one who does not presently serve on the University faculty". The sentence, with that phrase deleted, now reads, "The committee shall ordinarily recommend to the appropriate administrator at least three candidates for the position."

Senator Fazel: On page 3, there is still one reference to the "Academic Senate" that should be changed to the "Faculty Caucus". A question of the election of chairpersons to the committee was previously raised. According to this revised version, is it accurate to say that chairpersons cannot be elected by the faculty to serve on a dean search committee, but that they can be appointed by the Provost?

Senator Hampton: The intent of the committee was that a chairperson can be elected to the search committee as a faculty member. We do need to take another look at this before presenting this document as an action item.

Senator Fazel: Then there is a statement that should be removed on page 10, 3D. It reads that to be eligible to be elected to the committee, a person must hold no administrative appointment.

Senator Crothers: This issue has been an ongoing struggle for this committee. We hoped that there might be an explicit statement regarding the eligibility of chairpersons, since they technically hold an administrative appointment, but not an administrative professional appointment.

Senator Hampton: It was our understanding that, in the final analysis, a chair could be elected as a faculty member.

Senator Burk: In each section, there is something analogous to number 2 on the first page, which basically means that the search committee will be composed as follows. However, I noticed that within the policy, there were about six different ways of saying that. Have you considered making them all consistent?

Senator Brockschmidt: That was our goal and we will make the necessary revisions.

Senator Deutsch: On page 16, 4A, it reads that the committee shall ordinarily recommend to the appropriate administrator at least three candidates for the position. Your committee deleted “including at least one who does not serve on the University faculty.” Does that mean that a national search is not necessarily required?

Senator Brockschmidt: We understood that there are times when a national search would not be necessary, but we felt that in addressing that, that national and internal searches should be dealt with on the same level of respect and consideration.

Senator Deutsch: But the old language does require that there be a national search. The change here means that a national search is no longer required. Financial considerations might come into play so that a decision is made not to conduct a national search. That might be harmful to the University.

Senator Brockschmidt: We will look into that and address that problem.

Senator Riegler: On page 11, 3I, the last sentence states that the majority of the faculty on the committee shall be within the college for which a Dean is being chosen. Four of the faculty have to be elected and have to be within the college. Even if the Provost added two members from outside of the college, it would still be impossible *not* to have a majority of the faculty on the committee from within the college. Therefore, I don't understand the import of that sentence.

Senator Crothers: The faculty chairperson would be chosen from the Panel of 10 and most likely would not be of that college. The members of the committee include the administrator, who would probably not come from that college, and then there are also student representatives. I think, historically, there were concerns that the majority of the committee would not be faculty within the college.

Senator Riegler: This refers to the majority of the *faculty* on the committee being from within the college.

The Administrator Selection Policy will return to the Senate after the Administrative Affairs Committee has considered the recommendations from the Senate.

Communications:

Patriot Act Resolution (Senators op de Beeck and Reid)

Senator op de Beeck: The resolution concerning the Patriot Act has come before the Senate on several occasions. This draft is the same version that came to the Senate in early September. At that time, there was a request for more information about the Patriot Act itself before the Senate could actually consider such a resolution. On September 15, Professor Robert Bradley gave the Senate an overview of the Patriot Act and the ways in which it might impact the University. We are now presenting the resolution to the Senate again with supplementary information on how the University is handling requests for confidential information. Attached to the resolution is the *ISU Quick Guide* for handling campus legal requests for University records and communications. There is also information about Data Custodians and how those individuals have responsibility for granting access. Additionally, there is draft revision of the ISU policy concerning

confidential records, *The Code of Responsibility for Security and Confidentiality of Data*. It is just in draft form, but it does outline the ISU policy for the access to confidential University information. These documents are available on the ISU web site at <http://www.ilstu.edu/legalrequest/>. We brought this resolution to the Senate to open up a conversation and make people aware of how the Patriot Act may affect Constitutional rights and civil liberties.

Senator Crothers: The first “resolved” within the resolution runs counter to the documentation you have regarding our actual policy. This resolved asks the University to re-designate all authority to the President. Our current policy has created these Data Custodians and designated appropriate authority to them, with information going to the President.

Senator op de Beeck: In the Executive Committee discussion, we decided to let that stand because it had been there before. It is, however, open to discussion. As originally written, the resolution borrowed from many other campus resolutions that did empower the President in that way.

Senator Tolchin: The second resolved states, “Resolved that the Senate urge the President not to assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that are in violation of individuals’ civil rights or civil liberties as specified in the Constitution of the United States;” It seems that this is asking the University President to break the law. I think that the word “assist”, whether it be voluntarily or involuntarily, suggests that, even if the President were subpoenaed to turn over documents, we are urging him not to comply. Therefore, I think language asking him not to “voluntarily assist” with such a request would be a pertinent revision to this resolution.

Senator op de Beeck: The “assist or voluntarily cooperate” refers to procedures that are in violation of individuals’ civil rights or civil liberties as specified in the Constitution.

Senator Tolchin: I understand that and I believe that it is pertinent for the Senate to ask the President to do whatever he can to protect such rights. However, I think that the line should be drawn at asking him to break the law.

Senator op de Beeck: The Constitution is the law.

Senator Tolchin: I think that the sentence suggests that the President should not act in congruence with a subpoena.

Senator Crothers: The language you are recommending is to not “voluntarily” assist. However, it appears that Senator op de Beeck is indicating that she would not accept that as a friendly amendment. You are, however, entitled to offer an amendment as a motion if you wish. Did you have an opinion regarding that, Senator op de Beeck?

Senator op de Beeck: I stand by the way it is written here. I think that the Constitution is the law and if the investigation is breaking the law, then cooperating with the investigation would be to continue breaking the law.

Senator Crothers: Does Senator Tolchin wish to make his amendment a motion?

Senator Tolchin: I was under the impression that since it was not an action item, we were not allowed to propose amendments.

Senator Deutsch: I would point out that it is possible that even if the law is unconstitutional, we might be asking the President to break the law while this act is on the books. I would support an amendment when it becomes an action item.

Senator Crothers: This will not become an action item. It is a communication that we either endorse or not endorse. I would say that the President has not objected to any of the language currently in the resolution.

Motion XXXVI-24: Chairperson Crothers called for a vote on the Patriot Act Resolution, unrevised. By voice vote, the majority of the Senate voted in favor of the resolution; therefore, the resolution is considered as endorsed by the Academic Senate.

Adjournment

[ATTENDANCE/MOTIONS](#)